

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN JACKSON,

Plaintiff,

v.

Case Number 07-12033-BC
Honorable Thomas L. Ludington

PATRICIA CARUSO, Director, Michigan
Department of Corrections, MICHIGAN
PAROLE BOARD,

Defendants.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DISMISSING THE CASE**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Mona K. Majzoub on August 22, 2007. The magistrate judge recommended that Plaintiff John Jackson's case be dismissed, because he has failed to state a claim upon which relief may be granted, under 28 U.S.C. § 1915A. The magistrate judge concluded that, in light of *Greenholtz v. Inmates of the Nebraska Penal & Correctional Complex*, 442 U.S. 1, 7 (1979), Plaintiff did not have a due process interest in his denial of parole by the Michigan Parole Board, which has discretion over such decisions under Mich. Comp. Laws § 791.234(11).

Plaintiff timely filed two objections to the magistrate judge's report and recommendation. (Plaintiff filed three sets of objections, and, but for a difference on the proof of service as to one set of objections, the sets of objections are all identical.) His objections largely repeat his earlier arguments, suggesting that the parole board erred in its exercise of discretion and emphasizing that the any obligation under Michigan and federal law attaches also to Defendant Patricia Caruso.

Despite the breadth of law cited by Plaintiff, neither of his objections expands beyond the

arguments properly not accepted by the magistrate judge. As correctly explained in the report and recommendation, Plaintiff has no due process interest where state law places release on parole in the discretion of the parole board.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #6] is **ADOPTED**, that Plaintiff's objections [dkt ##7-9] are **OVERRULED**, and that the case is **DISMISSED**. Based on the preceding order, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Goodell v. Anthony*, 157 F. Supp. 2d 796, 802 (E.D. Mich. 2001).

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: October 23, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 23, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS